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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|--|---|-------------------------|
| ----- X | | |
| MICHAEL KORS, L.L.C., a Delaware Limited | : | No. 18 Civ. 02684 (LGS) |
| Liability Corporation, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| -against- | : | |
| | : | |
| SU YAN YE, an individual; and DOES 1-10, | : | |
| inclusive, | : | |
| | : | |
| Defendants. | : | |
| ----- X | | |

ANSWER

Defendant Su Yan Ye (“Ms. Ye” or “Defendant”), by and through her undersigned counsel, hereby submits her Answer to the Complaint (the “Complaint”) filed by Plaintiff Michael Kors L.L.C. (“Michael Kors” or “Plaintiff”) as follows:

1. Paragraph 1 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye admits that paragraph 1 purports to bring an action for federal trade dress infringement, New York common law trade dress infringement and New York common law unfair competition, but denies liability for the same.

2. Paragraph 2 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye does not dispute that the Court has subject matter jurisdiction over this action.

3. Paragraph 3 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 3 of the Complaint, but does not challenge the Court's jurisdiction over her in this action.

4. Paragraph 4 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 4 of the Complaint, but does not challenge venue in this action.

5. Ms. Lin is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Complaint, and therefore denies the same.

6. Ms. Ye admits that she is an individual residing at 944 70th Street, Brooklyn, New York 11225.

7. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Complaint, and therefore denies the same.

8. Ms. Ye denies the allegations set forth in paragraph 8 of the Complaint.

9. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Complaint, and therefore denies the same.

10. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Complaint, and therefore denies the same.

11. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Complaint, and therefore denies the same.

12. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 of the Complaint, and therefore denies the same.

13. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13 of the Complaint, and therefore denies the same.

14. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Complaint, and therefore denies the same.

15. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15 of the Complaint, and therefore denies the same.

16. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16 of the Complaint, and therefore denies the same.

17. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17 of the Complaint, and therefore denies the same.

18. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 of the Complaint, and therefore denies the same.

19. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19 of the Complaint, and therefore denies the same.

20. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 20 of the Complaint, and therefore denies the same.

21. Ms. Ye denies the allegations set forth in paragraph 21 of the Complaint, but admits that she sells handbags, wallets and related accessories.

22. Paragraph 22 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies that she sells products bearing a design confusingly similar to Michael Kors' MK Trade Dress.

23. Ms. Ye denies the allegations set forth in paragraph 23 of the Complaint.

24. Ms. Ye admits the allegations set forth in paragraph 24 of the Complaint, but denies that she requires a license from Plaintiff to sell the Accused Products.

25. Ms. Ye denies the allegations set forth in paragraph 25 of the Complaint.

26. Ms. Ye incorporates by reference each of the preceding paragraphs as if fully set forth herein.

27. Paragraph 27 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 27 of the Complaint, and therefore denies the same.

28. Paragraph 28 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 28 of the Complaint, and therefore denies the same.

29. Paragraph 29 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 29 of the Complaint, and therefore denies the same.

30. Paragraph 30 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30 of the Complaint, and therefore denies the same.

31. Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 31 of the Complaint, and therefore denies the same.

32. Paragraph 30 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 32 of the Complaint.

33. Ms. Ye denies the allegations set forth in paragraph 33 of the Complaint.

34. Paragraph 34 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 34 of the Complaint.

35. Paragraph 35 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 35 of the Complaint.

36. Paragraph 36 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 36 of the Complaint.

37. Ms. Ye incorporates by reference each of the preceding paragraphs as if fully set forth herein.

38. Paragraph 38 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 38 of the Complaint, and therefore denies the same.

39. Paragraph 39 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 39 of the Complaint.

40. Paragraph 40 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 40 of the Complaint.

41. Paragraph 41 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 41 of the Complaint.

42. Paragraph 42 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 42 of the Complaint.

43. Paragraph 43 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 43 of the Complaint.

44. Paragraph 44 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 44 of the Complaint.

45. Ms. Ye incorporates by reference each of the preceding paragraphs as if fully set forth herein.

46. Paragraph 46 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 46 of the Complaint.

47. Ms. Ye denies the allegations set forth in paragraph 47 of the Complaint.

48. Paragraph 48 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 48 of the Complaint.

49. Paragraph 49 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 49 of the Complaint.

50. Paragraph 50 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 50 of the Complaint.

51. Paragraph 51 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 51 of the Complaint.

52. Paragraph 52 of the Complaint states a legal conclusion as to which no response is required. However, to the extent a response is required, Ms. Ye denies the allegations set forth in paragraph 52 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

1. The Complaint is barred by the doctrines of estoppel and unclean hands.

SECOND AFFIRMATIVE DEFENSE

2. The Complaint fails to state any claims upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

3. There is no likelihood of confusion, mistake or deception within the meaning of 15 U.S.C. § 1125(a).

FOURTH AFFIRMATIVE DEFENSE

4. There is no likelihood of confusion, mistake or deception under New York common law trade dress infringement.

FIFTH AFFIRMATIVE DEFENSE

5. There is no likelihood of confusion, mistake or deception under New York common law unfair competition.

WHEREFORE, Defendant Su Yan Ye, having answered the Complaint and raised affirmative and other defenses thereto, prays for a judgment against Plaintiff Michael Kors, L.L.C. as follows:

- A. That Michael Kors takes nothing by way of its Complaint and that judgment is rendered in favor of Su Yan Ye;
- B. That this Court award Su Yan Ye her costs and reasonable attorneys' fees; and
- C. That this Court grant Su Yan Ye such other and further relief that it deems just and proper.

Dated: New York, New York
June 15, 2018

Respectfully submitted,
COWAN, LIEBOWITZ & LATMAN, P.C.

By: /s/ Eric J. Shimanoff
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